



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2875**  
Naoki MIDOH et al. : Attorney Docket No. 2002\_0317A  
Serial No. 10/070,387 : Group Art Unit 1652  
Filed March 6, 2002 : Examiner David J. STEADMAN

CYCLIC DEPSIPEPTIDE SYNTHETASE **Mail Stop: AF**  
AND METHOD FOR RECOMBINANT  
PRODUCTION (as amended)

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated October 6, 2005 of the Primary Examiner finally rejecting claims 13 and 15.

(X) A timely response to the final rejection has been filed.

(X) The extension fee of \$450.00 for a two month extension of time is submitted with the attached Petition for Extension of Time.

(X) The Appeal Fee of [X] \$500.00 (other than Small Entity)  
[ ] \$250.00 (Small Entity)

(X) is enclosed

() is to be charged to Deposit Account No. 23-0975. The original and two  
copies of this sheet are enclosed.

03/07/2006 JADD01 00000019 10070387  
01 FC:1401

500.00 OP

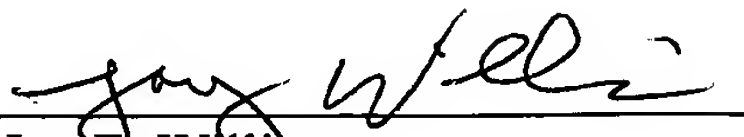
() Small entity status of this application is established by the verified statement under  
37 CFR 1.9 and 1.27 which  
() is enclosed.

() has been previously submitted.

() The Appeal Fee is not required since it was paid in a prior appeal.

Respectfully submitted,

Naoki MIDOH et al.

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March 6, 2006

THE COMMISSIONER IS AUTHORIZED  
TO REARGE AN  
IN THE  
TO DEPOSIT  
REG. NO. 25-0975